

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

MDL No. 2419

THIS DOCUMENT RELATES TO:

Dkt. No. 1:13-md-2419 (RWZ)

All Suits Naming St. Thomas Outpatient
Neurosurgical Center

**PLAINTIFFS' STEERING COMMITTEE'S MOTION TO
QUASH SUBPOENAS AND FOR PROTECTIVE ORDER**

The Plaintiffs' Steering Committee ("PSC") moves, pursuant to Fed. R. Civ. P. 45 and 26(b)(2)(C), for a protective order to quash three third-party subpoenas directed by STOPNC¹ to previous employers and affiliates of PSC expert Dr. David A. Kessler. As explained in the accompanying Memorandum, the subpoenas exceed the bounds of Rule 26 because they seek information that is irrelevant and that is personal and confidential. The subpoenas also violate Rule 45 because STOPNC failed to provide notice to the Plaintiffs before serving the subpoenas, and because the subpoenas fail to specify a place where documents are to be produced. The PSC conferred with counsel for STOPNC before filing this motion and attempted in good faith to resolve or narrow the issues presented in this motion.

¹ STOPNC refers to a group of defendants: Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John Culclasure, MD; Debra Schamberg, RN, CNOR; and Vaughan Allen MD.

Respectfully submitted,

Dated: April 18, 2016

/s/ Mark P. Chalos

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Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

I, Mark P. Chalos, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: April 18, 2016

/s/ Mark P. Chalos
Mark P. Chalos